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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,545	11/03/2000	Peter T. Aylward	79797PAL	8710

1333 7590 06/10/2003

PATENT LEGAL STAFF  
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ROCHESTER, NY 14650-2201

EXAMINER

SCHILLING, RICHARD L

ART UNIT	PAPER NUMBER
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1752

DATE MAILED: 06/10/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/205,545

Applicant(s)

Aylward et al

Examiner

RL Schilling

Group Art Unit

1252

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 6-2-03
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 22-28, 33-37, 39-44 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 22-28, 33-37, 39-43 is/are rejected.
- ☒ Claim(s) 44 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

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1. Claims 22-28, 33-37 and 39-43 are rejected under 35 U.S.C. § 102(e) as being anticipated by Aylward et al. for the same reasons as set forth in paragraph 3 of the last Office action filed February 28, 2003. The last Office action stated that the instant claims would be allowable if antistatic layers were excluded from being present intermediate the transparent polymer sheet and the protective shield layer. However, this statement was in error and was intended to be applied to the prior art rejections other than the 35 U.S.C. § 102(e) rejection over Aylward et al. Aylward et al. (see particularly column 7, line 55 - column 8, line 25) discloses shield layers on their transparent polymer sheets for scratch and fingerprint protection without the presence of antistatic layers. Aylward et al. also discloses the use of environmental protection layers on the silver halide emulsion layers formed on both sides of the transparent polymer sheets without the presence of antistatic layers. The prior art rejections not relying on Aylward et al. were based on the obviousness of using the combination of antistatic layers and protective layers for antistatic layers as backing layers on silver halide photographic elements. This rejection will not be made final since the statement of allowability in the last Office action should not have been applied to the rejection of paragraph 1 above. Any inconvenience caused applicants is regretted.

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2. Claim 44 is objected to as depending on a rejected claim but would be allowable if written in proper independent form. Aylward et al. does not disclose the use of upper protective shield layers comprising polymeric beads. The above rejection under 35 U.S.C. § 102(e) might be overcome either by a showing under 37 CFR 1.132 that the invention discloses but not claimed in Aylward et al. was derived from the inventor of this application which has three of the four inventors in Aylward et al. or by an appropriate showing under 37 CFR 1.131.

3. Any inquiry concerning this communication should be directed to Mr. Schilling at telephone number (703) 308-4403.

RLSchilling:cdc

June 9, 2003

RICHARD L. SCHILLING  
PRIMARY EXAMINER  
GROUP 1100 1752

